



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Eastman Kodak Co.
File: B-228908
Date: September 24, 1987

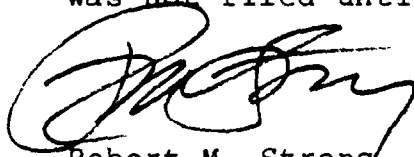
DIGEST

Protest based on knowledge obtained by protester during a telephone conversation with an employee of the contracting agency is untimely when filed more than 10 working days after the conversation.

DECISION

Eastman Kodak Co. protests the Department of the Army's placement of delivery order DAKF40-87-Y-2229 with Datagraphix, Inc., for tactical computer output microfiche equipment. Kodak contends that the Army waited an insufficient amount of time after the July 20, 1987, Commerce Business Daily notice of intent to place the delivery order before actually doing so. We dismiss the protest without addressing the merits, since it is clear from the agency report the protest is untimely.

The Army advises that on August 5 Kodak phoned the Army and was informed that the order had been placed on July 21. Our Bid Protest Regulations require that a protest alleging other than solicitation improprieties be filed no later than 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1987). Since Kodak learned the basis of its protest on August 5, the protest should have been filed (received) in our Office by August 19. Because the protest was not filed until August 28, the protest is untimely.


Robert M. Strong
Deputy Associate
General Counsel

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